

DEPARTMENT OF THE ARMY PERMIT

Permittee: Borough of Carteret, NJ
61 Cooke Avenue
Carteret, New Jersey 07008

Permit Number: NAN-2020-00040

Permit Date: _____

Issuing Office: US Army Corps of Engineers, New York District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

One-time construction dredging, via mechanical environmental clamshell bucket dredge, a total of approximately 19,500 cubic yards (CYs) from an irregularly shaped approximately 67,500 square foot area to a maximum depth of minus 17 feet Mean Lower Low Water Datum. The dredged material shall be carefully placed into hopper barges and ultimately placed at a State-approved upland site. Intentional barge water overflow to maximize the volume of dredged material in the barge is not authorized. Decanting of excess barge water at the dredging site after sediment settlement is authorized IAW enclosed State-issued water quality certificate.

Construct within and above regulated tidal waters and not extending more than 98 feet into the waterway measured from the line of Mean High Water on the shoreline and maintaining a minimum clear setback of 105 feet from the western mapped edge limit of the floor of the Congressionally authorized New York & New Jersey Channels Federal Navigation Project.

- a. The installation of an approximately 130 linear foot bulkhead.
- b. A 40-foot by 40-foot floating pier platform secured in place by twelve (12) 18-inch-diameter steel-hollow-tube driven pilings subsequently filled with concrete for structural integrity; with passengers' access via two (2) approximately 5-foot-wide by 65-foot-long gangways extending seaward from the upland timber walkway structures.
- c. A floating system of donut-fendering-bumpers secured in place by eighteen (18) 30-inch-diameter steel-hollow-tube driven pilings subsequently filled with concrete for structural integrity.
- d. A 200-foot-long and 9.5-foot-wide floating wave screen structure secured in place by eighteen (18) 12-inch-diameter steel-hollow-tube driven pilings subsequently filled with concrete for structural integrity.

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e. The forty-eight (48) steel-hollow-tube driven pilings will occupy a total 142 square feet of the bay bottom and be filled with 96 CYs of concrete fill material as measured below the plane of Spring High Tide.

All work shall be performed in accordance with the enclosed dated permit drawings; stated Special Conditions (A) through (I) listed below, and the New Jersey Department of Environmental Protection issued Section 401 Water Quality Certification Permit 1201-08-0001.1 LUP200002, dated of August 10, 2021; all of which are hereby made part of this permit.

Project Location:

IN: Arthur Kill

AT: Off of Carteret Industrial Road , Borough of Carteret, Middlesex County, NJ

Permit Conditions:

General Conditions:

1. Time limit for completing the regulated work authorized herein ends on_____.
If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least two (2) months before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. The permittee shall allow representatives from this office to inspect the authorized activities at any time deemed necessary; and shall promptly provide any required written reports, to ensure that authorized activities are being or have been accomplished in accordance with the terms and conditions of this permit.

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Special Conditions:

- (A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.**
- (B) The permittee shall not conduct in-water activities associated with dredging, bulkhead construction, and steel pile installation from March 1 to June 30 of any calendar year to minimize impacts to anadromous fish.**
- (C) The permittee shall utilize best management practices when pouring concrete to avoid contact with water, including but not limited to pumping the concrete into sealed forms and removing the forms once the concrete has cured.**
- (D) The permittee shall utilize best management practices available to minimize turbidity during all in-water work as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.**
- (E) The permittee shall submit the following information, at a minimum, to the First Coast Guard District by email D1LNM@uscg.mil or fax (617) 223-8291 a minimum of 14 calendar days before starting in-water operations for publication in the Local Notice to Mariners:**

Date of submission to First Coast Guard District

Name, phone number, and email address of project point of contact

Marine Construction Company Name

Type of In-Water Work

Waterway and location where work will be done

Latitude & Longitude of work area (Degrees, Minutes, Thousandths of seconds)

Work Start & Stop dates and Hours of Operation

Equipment on scene

Passing Arrangements / Time to move vessels to not impede navigation

VHF Radio Channel monitored

Dredged Material Disposal Site (if used)

NOAA Chart Number for the area

- (F) The permittee shall notify National Oceanic and Atmospheric Administration of project completion and specifications so they may initiate the appropriate chart and Coast Pilot corrections. This notification shall be submitted by email to ocs.ndb@noaa.gov, and shall include: a copy of Department of the Army Permit; as-built drawings; and a completed NOAA Permit/Public Notice Status Report form, available online at**

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<https://nauticalcharts.noaa.gov/charts/docs/charts-updates/Permit-Public-Notice.pdf>

- (G) The permittee shall ensure any current, or future, outdoor lighting is located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterway. If installed, the lights must be white and non-flashing.
- (H) The permittee shall move dredging equipment ON DEMAND to allow commercial vessels to transit the area being dredged. Coordinate dredge movement protocols with the Vessel Traffic Service New York watch supervisor, who can be reached at (718) 354-4088 or SECNYVTS@uscg.mil
- (I) The permittee shall contact Coast Guard Sector New York's Maritime Transportation Security Act staff at (718) 354-4244 to determine if any security requirements are necessary for the ferry landing.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(X) Section 404 of the Clean Water Act (33 U.S. Code 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: in issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)
Borough of Carteret

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(COMMANDER AND DISTRICT ENGINEER)

(DATE)

FOR AND IN BEHALF OF
Matthew W. Luzzatto
Colonel, U.S. Army
Commander and District Engineer

PERMITTEE: Borough of Carteret, NJ

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

(TRANSFEE)

(DATE)



PROJECT INFORMATION:
FILE PATH: G:\Projects\CART\02532\Plans\Carteret Ferry Terminal 2019\Plans\
FILE NAME: CART02532_SHT007_DRE.dwg
LAST SAVED DATE AND TIME: 17 Dec 2021, 10:58AM
LAST SAVE BY: K'Smith



- REFERENCE:

- TIDAL INFORMATION:

DATUM : NAVD 1988	
MHHW	= 2.74
MHW	= 2.42
MTL	= -0.07
MLW	= -2.56
MLLW	= -2.77

NO.	DATE	REVISIONS	BY	CHECKED BY
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GENERAL PLAN AND DREDGING PLAN

LICENSED PROFESSIONAL ENGINEER
STATE OF NJ LICENSE No. 24GE04646100

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USACE FILE: NAN-2020-00040

STRUCTURE INFORMATION

NO. (SEE SHEET NO. 2)	LOCATION	QUANTITY	SIZE	PLAN AREA	NOTES
1	WAVESCREEN (DESIGN BY OTHERS)	1	200' LONG x 9.5' WIDE	1900 S.FT.	
2	FLOATING DOCK	1	40' LONG x 40' WIDE	1600 S.FT.	
3	ALUMINUM GANGWAY	2	65' LONG x 5' WIDE	650 S.FT.	ALL AREA TO STAY AT MLLW OR ABOVE
4	TIMBER FIXED PIER	1	25' LONG x 16' WIDE	400 S.FT.	ALL AREA ABOVE MHHW ELEVATION

IN-WATER PILE INFORMATION

PILE TYPE: PROPOSED CONCRETE FILLED STEEL PIPE PILES

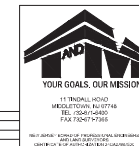
PILE DRIVING METHOD: DYNAMIC (COMBINATION OF VIBRATORY & IMPACT)

LOCATION	PILE DIAMETER, Do (IN)	PILE OUTSIDE AREA, Ao (SQ. IN.)	QUANTITY (IN-WATER FROM MHHW LIMIT)	PILE AREA (SQ. FT.)	VOLUME OF FILL (CY) (FROM MHHW TO MUDLINE)
WAVESCREEN (DESIGN BY OTHERS)	12	0.79	18	14.22	8.69
FLOATING DOCK	30	4.91	4	19.64	12.96
BOAT FENDER			4	19.64	12.96
FLOATING DONUTS			18	88.38	58.30
TOTAL			44	141.88	92.91

PROJECT INFORMATION: PROJECT NO. 2019-00040, Plans/Contract File Terminal 2019/00040
FILE NAME: C:\PROJECTS\2019\2019-00040\2019-00040.dwg, 18 Dec 2021, 3:17PM
LAST SAVE BY: J. FERLAZZO

NO.	DATE	REVISIONS	BY	CHECKED

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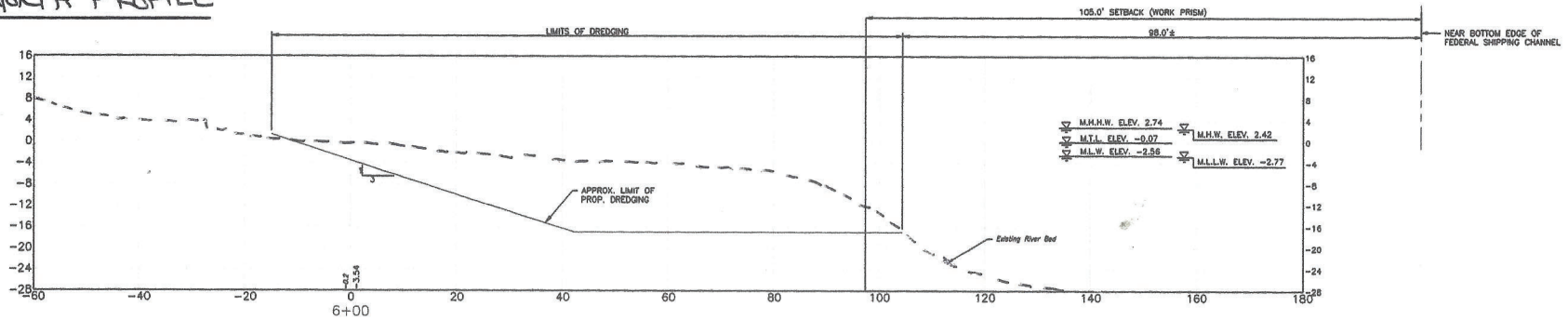
BOROUGH OF CARTERET
PROPOSED CARTERET FERRY TERMINAL
AT ARTHUR KILL
(BLOCK 304 LOTS 2.01 AND 2.02)
BOROUGH OF CARTERET, MIDDLESEX COUNTY, NEW JERSEY

IN-WATER WORK INFORMATION

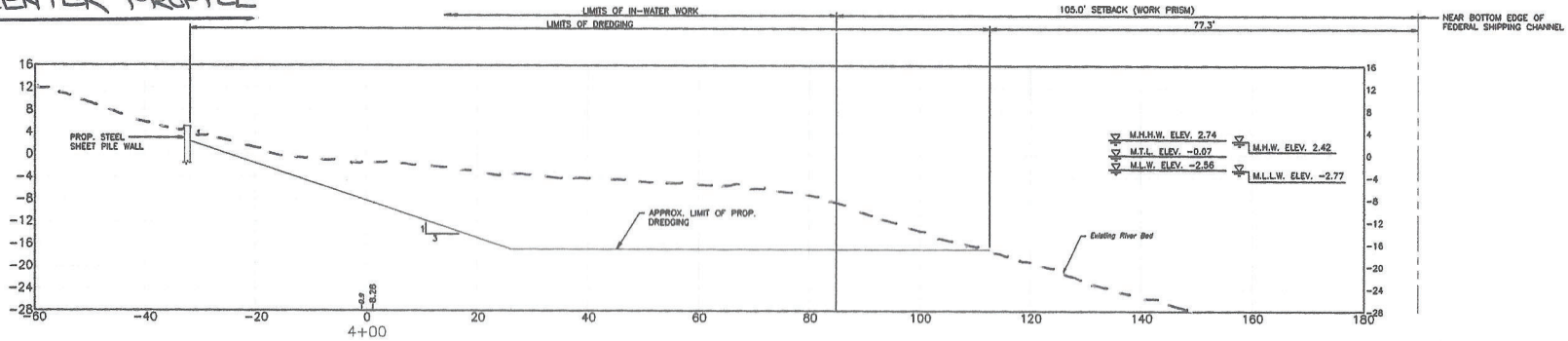
DARREN R. FERLAZZO, P.E.
 CONSULTING ENGINEER
[Signature]
 LICENSED PROFESSIONAL ENGINEER
 STATE OF NJ LICENSE No. 24GED4646500

SHEET
5
 OF 5

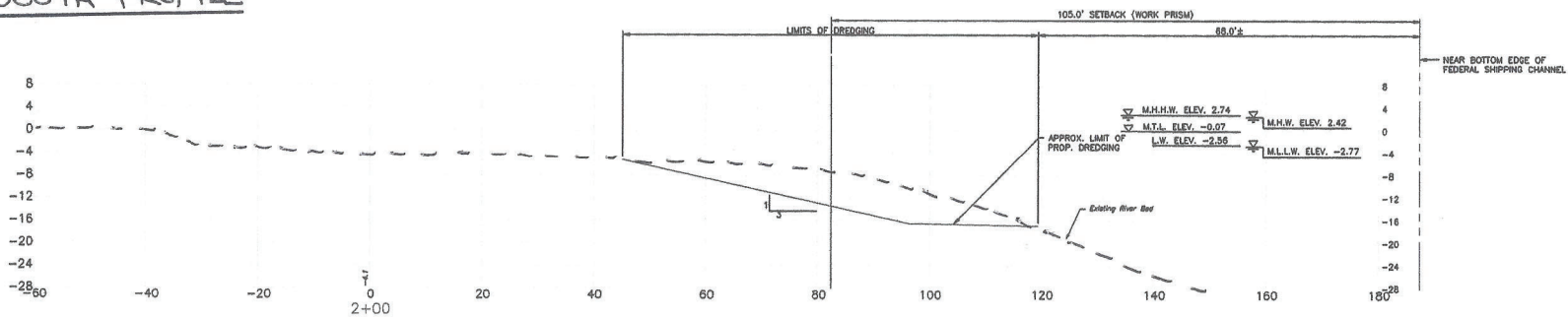
NORTH PROFILE



CENTER PROFILE



SOUTH PROFILE



NOTES:

- EXISTING TOPOGRAPHY PREPARED FROM SURVEY PERFORMED IN 2020 FROM TOE OF SLOPE ALONG THE ARTHUR KILL TO THE WESTERN BOUNDARY.
- EXISTING HYDROGRAPHIC SURVEY INFORMATION SHOWN IS FROM THE SURVEY PERFORMED IN 2018 FROM THE TOE OF SLOPE ALONG THE ARTHUR KILL TO THE EAST OF THE U.S. PIERHEAD LINE.



11 THORNTON ROAD
LINDEN, NJ 07036
TEL: 908-461-4444
FAX: 908-461-4444

NEW JERSEY BOARD OF PROFESSIONAL ENGINEERS
OFFICE OF THE SECRETARY

BOROUGH OF CARTERET
PROPOSED CARTERET FERRY TERMINAL
AT ARTHUR KILL
(BLOCK 304 LOTS 2.01 AND 2.02)
BOROUGH OF CARTERET, MIDDLESEX COUNTY, NEW JERSEY

DREDGING CROSS SECTIONS - 1

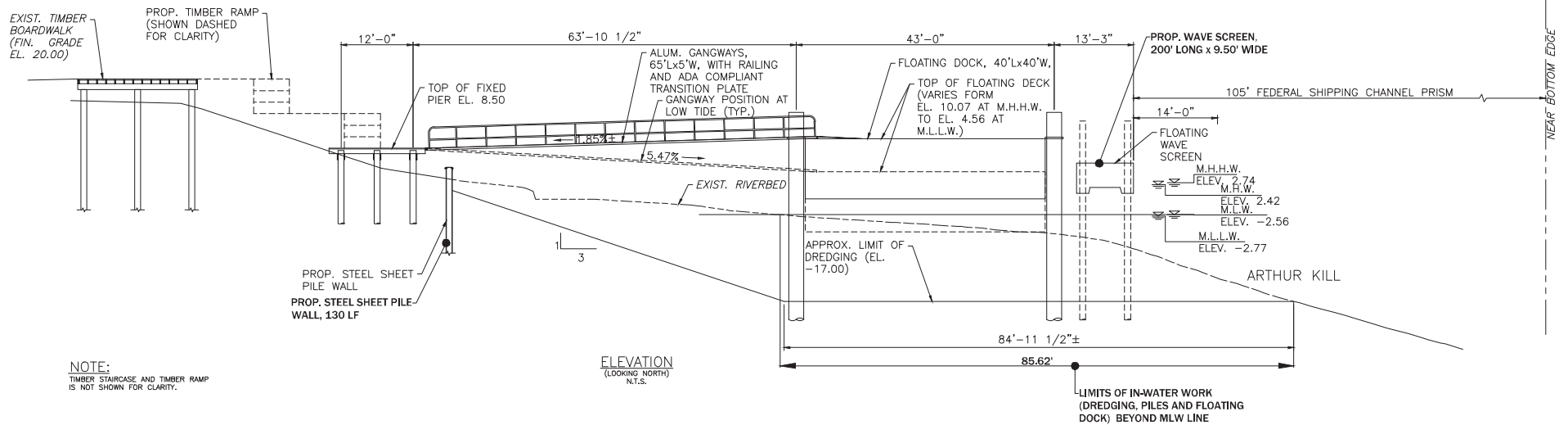
DARREN R. FERLAZZO, P.E.
CONSULTING ENGINEER

LICENSED PROFESSIONAL ENGINEER
STATE OF NJ LICENSE No. 246ED464600

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of 5

USACE FILE: NAN-2020-00040



- REFERENCE:**
1. FOR GENERAL PLAN, SEE DWG. GPE-1.
 2. FOR PILE INFORMATION, SEE DWG. PLE-1.

TIDAL INFORMATION:
(NOAA STATION: BERGEN POINT WEST REACH, NY)
DATUM : NAVD 1988
MHHW = 2.74
MHW = 2.42
MTL = -0.07
MLW = -2.56
MLLW = -2.77



BOROUGH OF CARTERET
PROPOSED CARTERET FERRY TERMINAL
AT ARTHUR KILL
(BLOCK 304 LOTS 2.01 AND 2.02)
BOROUGH OF CARTERET, MIDDLESEX COUNTY, NEW JERSEY

GENERAL SECTION

DARREN R. FERLAZZO, P.E.
CARTERET BOROUGH ENGINEER

LICENSED PROFESSIONAL ENGINEER
STATE OF NJ LICENSE NO. 246ED4648500

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OF 5

PROJECT INFORMATION: PROJECT: 2020-00040 (NAN-2020-00040) (Ferry Terminal 2019/2020)
FILE NAME: CARTERET_FERRY_TERMINAL_2020_00040.dwg
LAST DATE BY: 18 Dec 2021, 3:17PM
LAST SAVE BY: 18 Dec 2021, 3:17PM

NO.	DATE	REVISIONS	BY	CHECKED
1	12/18/2021	ISSUED FOR PERMIT	DF	DF
2	12/18/2021	REVISED FOR PERMIT	DF	DF
3	12/18/2021	REVISED FOR PERMIT	DF	DF
4	12/18/2021	REVISED FOR PERMIT	DF	DF
5	12/18/2021	REVISED FOR PERMIT	DF	DF

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SEC-1



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.		Approval Date 8/10/2021
		Expiration Date 8/9/2026
Permit Number(s): 1201-08-0001.1 LUP200002	Type of Approval(s): WFD IP-Commercial (Waterward) FHA Individual Permit-Other FWW GP11 Outfalls/Intake Structures FWW GP7 Human-made Ditches/Swales in Headwaters Verification-Method 2 (FEMA Tidal Method) WFD-IP-Commercial (Landward) Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:7A-1.1(a)
Permittee: Borough Of Carteret 61 Cooke Ave Carteret, NJ 07008		Site Location: Block(s) & Lot(s): [201, 1.02] [304, 2.01] [304, 2.02] [5.01, 1.01] [5.02, 2.01] Municipality: Carteret Boro County: Middlesex
Description of Authorized Activities: This document authorizes the construction of a ferry terminal on the parcels referenced above. These activities include the construction of 696 parking spaces, stormwater infrastructure, terminal building, a 200 foot long floating wave screen, a 49 foot by 10 foot aluminum gangway, a 27 foot by 10 foot aluminum gangway, a 40 foot by 40 foot floating platform, a 30 foot by 15 foot platform, 18 – 30 inch piles supporting a floating donut fender, 12 – 18 inch piles supporting floating docks/platforms, 18 – 12 inch piles supporting a wave screen, a 36 inch stormwater outfall, 150 linear feet of rip rap shoreline stabilization, a timber access stairway, timber access ramp, 20 foot by 20 foot timber platform, approximately 150 foot steel sheet pile wall, and approximately 18,173 cubic yards of mechanical dredging. Two, 80 foot ferry boats (149 passenger capacity) will utilize the terminal. Shoreline stabilization will occur in a degraded riparian zone. Limited riparian zone vegetation will be impacted. Permittee will upgrade the existing wetlands by planting wetland vegetation as noted on the approved plans. <i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring</i>		
Prepared by: Jeff Thein		Received and/or Recorded by County Clerk:
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-21.8; N.J.A.C. 7:7-2.1; N.J.A.C. 7:7A-19.11

FWW GP7 Human-made Ditches/Swales in Headwaters	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0	0
Transition areas	0.05	0

FWW GP11 Outfalls/Intake Structures	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0	0
Transition areas	0.02	0

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.188
Temporary Disturbed	0

WFD IP- Commercial/Industrial/Public(Waterward)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Shellfish habitat	0	0
Intertidal subtidal shallows (ISS)	0.45	0

FLOOD HAZARD/STORMWATER MANAGEMENT CONDITIONS:

1. **Recording of Permit:** This portion of the permit verifies the Flood Hazard Area Elevation of 14 feet NAVD88. It also verifies that there is no floodway and a 50' riparian zone on site. This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. **NOTE:** The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:
 - a. The Department file number for the verification;
 - b. The approval and expiration dates of the verification;
 - c. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;

- d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification;
 - e. The width and location of any riparian zone approved under the verification; and
 - f. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."
2. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, porous pavement and inlets at least four times per year and after every major storm totaling 1 inch of rainfall or more, the inspection and cleaning of any and all mechanical treatment devices in accordance with the Departments certification letters (downloadable at <https://www.njstormwater.org/treatment.html>), the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
 3. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
 4. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
 5. Since the proposed building is within a **Coastal A Zone** according to the latest FEMA Preliminary map, the applicant must design the structure in accordance with the National Flood Insurance Program (NFIP) design standards. The area below the building should remain open to allow for the safe passage of floodwaters and be designed in accordance with FEMA's Technical Bulletin 5, "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Areas".
 6. The minimum elevation of the bottom of the lowest horizontal structural member for the proposed building shall be 15' NAVD88. The construction of any habitable area below this elevation, such as a basement is prohibited.
 7. The decision to grant this permit did not include a structural review of the proposed activities with regard to the International Building Code; nor did it include a comparative review of any local flood ordinances which may apply. As such, the proposed structure/s may not fully comply with the provisions of the International Building Code or meet the requirements of the appropriate local flood ordinances. Consequently, the construction official for the municipality in which this project is located may reserve the right to modify the design of, or deny the erection of those

structures which do not meet the appropriate flood ordinances or construction codes which are within local jurisdiction.

8. It should be noted that fill associated with the building (structural fill) does not meet NFIP requirements. Any proposed fill on the site should meet the requirements of the Federal Flood Reduction Standards, 44 C.F.R. Part 60 & FEMA's Technical Bulletin 5.
9. Prior to the start of any construction onsite, the applicant/owner shall sign a Department approved conservation restriction to guarantee the preservation of any regulated area utilized for compliance with the Stormwater Management Rules at N.J.A.C. 7:8. Specifically, the porous pavement as shown on the approved plan(s). This restriction shall be included in the deed of the property and shall be recorded with the local County Clerk (the registrar of deeds and mortgages). This restriction shall run with the land and be binding upon all successive owners, and all land surveys of the property shall show the protected areas onsite. This restriction shall conform to the format and content of the model Grant of Conservation Restriction/Easement (Stormwater Management Strategies Protection Area), downloadable at www.nj.gov/dep/landuse/forms/. Please submit a copy of the draft restriction to [project manager] of this office for review prior to recording, as well as the final restriction once filed. Regulated activities shall not commence onsite until the permittee has submitted adequate proof that this restriction has been recorded as required above and has received written confirmation of the same from the Department.
10. All excavated material shall be disposed of in a lawful manner. For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

SPECIAL CONDITIONS:

1. No in-water work shall take place between January 1 to June 30 to protect winter flounder and anadromous fish.
2. Dredging shall be limited to an authorized project depth of -17' below mean low water (MLW). The volume shall be limited to approximately 18,172 cubic yards.
3. The applicant shall exercise caution and employ all reasonable controls to minimize the release of sedimentation into the adjacent waters during the dredging and dewatering process.
4. The dredge shall be operated so as to control the rate of descent of the bucket so as to maximize the vertical cut of the clamshell bucket while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e. overfilling the bucket). This will reduce the amount of free water in the dredged material, will avoid overfilling the bucket, and minimize the number of dredge bucket cycles needed to complete the dredging contract.
5. The closed clamshell environmental bucket shall be lifted slowly through the water, at a rate of 2 feet per second or less.
6. Dredged material shall be placed into the barge in a manner that prevents spillage of the material overboard.

7. The discharge (i.e. “overflow”) of water from the barge/scow into which dredged material is placed is prohibited.
8. All barges or scows used to hold, or transport dredged material shall be of solid hull construction or be sealed with concrete.
9. The gunwales of the dredge scows shall not be rinsed or hosed during dredging except to the extent necessary to ensure the safety of workers maneuvering on the dredge scows.
10. All decant water holding scows shall be water tight and of solid hull construction.
11. Decant water from this project may only be discharged into the channel from where the dredged material originated, in close proximity to the dredging contract area. Discharge to another receiving waterbody requires prior approval from the Department and may require a New Jersey Discharge Pollutant Elimination System/Discharge to Surface Water (NJDPES/DSW) permit.
12. All water shall be held in the decant holding scow a minimum of 24 hours after the last addition of water to the scow. The decant water may only be discharged after this 24-hour retention period.
13. During pumping of the decant water from the holding scow, great care shall be taken to avoid re-suspending or pumping sediment which has settled in the decant holding scow.
14. A spill plate shall be placed between the barge and the upland property during the off-loading of material on the upland property. The spill plate shall be maintained during the entire off-loading operation at this site.
15. This permit authorizes the placement of approximately 18,173 cubic yards (yds³) of dredged material from this project at the Middlesex County Utilities Authority Landfill.
16. Dredged material from this project shall be processed using a minimum of 8% Portland Cement on barges prior to placement on-site.
17. If the permittee elects to dispose/use the dredged material from this project at an alternate location, written authorization must be obtained from the Office of Dredging and Sediment Technology prior to the transport of any dredged material to said alternative disposal/use location. Any alternate disposal/use location must obtain all required state, local and federal permits before the Office would grant a modification of this permit to transport dredged material to the alternate location.
18. The site has been remediated under Site Remediation Program Interest Number 008221. The Licensed Site Remediation Professional for this site is Scott Drew, LSRP#572337. No activities shall occur without approval from the LSRP.
19. Permittee shall comply with all conditions and requirements of the United States Coast Guard and Harbor Safety, Operations, and Navigation Committee of the Port Authority of NY and NJ.

Intertidal and Subtidal Shallows or Tidal Wetlands Mitigation Conditions-non single family

1. Within **30 days of issuance of this permit**, the permittee shall submit a mitigation proposal to mitigate for the loss of 0.45 acres of intertidal and subtidal shallows to the Division of Land Resource Protection (Division) for review and approval.

2. All mitigation shall be conducted prior to or concurrent with the construction of the approved project (**N.J.A.C. 7:7-17.3**). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.
3. The permittee shall mitigate for the loss of **0.45** acres of intertidal and subtidal shallows through the creation of intertidal and subtidal shallows, at a creation to loss ratio of 1:1, on the site where the filling occurred.
4. If mitigation for the filling of intertidal and subtidal shallows is not feasible onsite then mitigation shall be performed offsite through the creation of intertidal and subtidal shallows at a ratio of 1:1 within the same estuary as the site of the filling or through the purchase of in-kind credits from a mitigation bank with a service area that includes the site of the filling.
5. If mitigation for the filling of intertidal and subtidal shallows is not feasible onsite or offsite, then mitigation shall be in the form of restoration, creation, or enhancement of a wetland within the same estuary as the site of the filling in accordance with N.J.A.C. 7:7-17.13 or through the purchase of out-of-kind wetland credits from a mitigation bank with a service area that includes the site of the filling.
6. If the permittee is purchasing credits from a mitigation bank to satisfy a mitigation requirement (see N.J.A.C. 7:17.11(d)), the permittee shall submit proof of purchase for **0.45** mitigation credits from an approved wetland mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Resource Protection at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

As of the date of this permit, **there are no mitigation banks** serving your project area. Additional banks may be approved at any time, so please contact the Mitigation Unit for the most up to date service area information if you would like additional options.

7. If mitigation for the filling of intertidal and subtidal shallows is not feasible, then mitigation shall be in the form of one or both of the following, as determined in consultation with the Department:
 - a. Upland preservation in accordance with the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-15.9; or
 - b. In-lieu fee payment in accordance with N.J.A.C. 7:7-17.16.
8. If mitigation for the filling of intertidal and subtidal shallows as described above is not feasible, then mitigation shall be in the form of a land donation in accordance with the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-15.19.
9. If the permittee is proposing to construct an on-site intertidal subtidal shallows creation project, (see N.J.A.C. 7:17.11(b)) one acre of creation must be performed for each acre

disturbed. If the permittee is proposing to mitigate through off-site creation, restoration or enhancement project, or by purchasing credits from a mitigation bank serving the area an enhancement or creation project, the ratio of disturbance to mitigation required shall be in accordance with N.J.A.C. 7:7-17.11(c) through (g). If proposing onsite or offsite mitigation, provide the following:

- a. Within 30 days of the issuance of this permit, submit for review and approval, a conceptual plan showing the location and proposed hydrology of the mitigation site; and
 - b. Within 30 days of receiving Division approval of the conceptual mitigation proposal, submit a final design of the mitigation project.
10. The following requirements will apply to an onsite or offsite intertidal subtidal shallows mitigation project:
 - a. Obtain a secured bond, or other financial surety acceptable to the Department, and in an amount consistent with the requirements at N.J.A.C. 7:7-17.
 - b. Complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction protecting the mitigation site that meets the requirements of N.J.A.C. 7:7-18.
 - c. Notify the Mitigation Unit at the Division of Land Resource Protection in writing at least 30 days prior to the start of construction of the wetland mitigation project to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.
 - d. In accordance with N.J.A.C. 7:7-17.11(h), within 60 days following the completion of the mitigation project, submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7-17.11(h)). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form that certifies the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished. This form is located at on the Division's website at: www.nj.gov/dep/landuse in the Mitigation tab of Forms & Checklists.
 - ii. An as-built plan of the completed mitigation area showing grading and any structures included in the approved mitigation proposal;
 - iii. Photographs, both pre and post construction, of the intertidal and subtidal shallows mitigation project including a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and

- (1) For ISS creation projects only, provide documentation that the mitigation site meets the definition of an intertidal and subtidal shallow as defined at N.J.A.C. 7:7-9.15; and
- e. Monitor the mitigation site in accordance with N.J.A.C. 7:7-17.11(i), (j), and (k).
11. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure (see N.J.A.C. 7:7-17.11(k)). This mitigation project will be considered successful if the permittee demonstrates all of the following:
 - i. That the goals of the ISS mitigation project, including acreage as stated in the approved mitigation proposal and the permit, have been satisfied. The permittee shall submit a field delineation of the ISS mitigation project which shows the exact acreage of ISS in the mitigation area;
 - ii. The mitigation site is an intertidal and subtidal shallows area, as defined at N.J.A.C. 7:7-9.15, or tidal water. The documentation shall include tidal data, topography for the spring high tide line, photographs, and field observation notes collected throughout the monitoring period;
 - iii. The mitigation meets all applicable requirements of Subchapter 17 of the Coastal Zone Management Rules (N.J.A.C. 7:7-17);
 - iv. The mitigator has executed and recorded a conservation restriction that meets the requirements of N.J.A.C. 7:7-18.
12. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7-17.13(h)). The Division will notify the permittee in writing if the mitigation project is a failure and the permittee shall submit a revised mitigation plan or alternative mitigation proposal to satisfy the mitigation requirement. No financial surety will be released until such time that the permittee satisfies the success criteria.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.

4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:

- i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action; and
 - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
 15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
 16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
 17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
 18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
 19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
 20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
 21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
 22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
 23. A permit can be modified, suspended, or terminated by the Department for cause.

24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management at the address listed on page one of this permit.

APPROVED PLANS:

The drawings hereby approved consist of twenty-one (21) sheets prepared by T&M Associates, dated August 21, 2020, unless otherwise noted, and entitled:

“BOROUGH OF CARTERET PROPOSED CARTERET FERRY TERMINAL AT
ARTHUR KILL (BLOCK 304 LOTS 2.01 AND 2.02) BOROUGH OF CARTERET,
MIDDLESEX COUNTY, NEW JERSEY”

“CONSTRUCTION PLAN”, sheet no. 4 of 22,
“GRADING AND DRAINAGE PLAN”, sheet no. 5 of 22, revised August 10,
2021
“PERMIT PLAN 1”, sheet no. 6 of 22,
“PERMIT PLAN 2”, sheet no. 7 of 22,
“DREDGING CROSS SECTIONS”, sheets 8 through 12,
“GENERAL PLAN AND ELEVATIONS”, sheet 13 of 22,
“STRUCTURAL NOTES”, sheet 14 of 22,
“RETAINING WALL”, sheet no. 15 of 22,
“LANDSCAPING PLAN”, sheet 16 of 22,
“SOIL EROSION AND SEDIMENT CONTROL PLAN”, sheet 17 of 22,
“SOIL RESTORATION PLAN”, sheet 18 of 22,
“SOIL EROSION AND SEDIMENT CONTROL NOTES”, sheet 19 of 22,
“SOIL EROSION AND SEDIMENT CONTROL DETAILS”, sheet 20 of 22,
“CONSTRUCTION DETAILS”, sheet no. 21 of 22, revised August 10, 2021
“CONSTRUCTION DETAILS”, sheet no. 22 of 22.
“FLOOD HAZARD AREA-EXISTING CONDITIONS”, sheet no. 1 of 2, dated
August 10, 2021, unrevised,
“FLOOD HAZARD AREA-PROPOSED CONDITIONS”, sheet no. 2 of 2, dated
August 10, 2021, unrevised.

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:

 2021.08.10
16:41:53 -04'00'

Suzanne Biggins, Supervisor
Watershed & Land Management

c: Municipal Clerk, Carteret Boro
Municipal Construction Official, Carteret Boro
Agent (original) – Kristopher Krzyston